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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,471

04/29/2005

Toshio Yamagiwa

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21828

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12/28/2009

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EXAMINER

LAI, ANNE VIET NGA

ART UNIT

PAPER NUMBER

2612

NOTIFICATION DATE

DELIVERY MODE

12/28/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/533,471	Applicant(s) YAMAGIWA, TOSHIO	
	Examiner ANNE V. LAI	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-14,16,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-14,16,20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 5-14, 16, 20-21 are currently pending in this case.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. \

In claim 20, the paragraph "said database configured to manage a plurality of subsets of the tag information, and said IC tag is configured with one of said subsets of the tag information" seems present new matter.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 5-6, 16 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tamai** et al [US 7,031,946] in view of **Vock et al** [US 2003/0163287] or **Takashima** [US 6,352,045] (all previously provided).

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In claims 1 and 16, **Tamai** discloses an IC tag 80 equipped motorcycle (col. 33, l. 19-26, col. 34, l. 2), comprising:

an element formed of a resin material having transmissivity to electromagnetic waves (col. 17, l. 15-20; col. 31, l. 41-53); and

an IC tag integrated with the element including an ID code registered therein; the IC tag comprises elements as claimed (CPU, antenna, modem, memory with rewritable area and rewrite-protect area) (Figs. 15-16; Construction of the Radio IC tag 80, Section 1.5, col. 17, l. 15 -col. 22, l. 52; motorcycle, col. 34, l. 2).

Tamai discloses attaching the IC tag to the reverse side of a logotype or inside a product for not being noticeable from the outside (col. 31, l. 46-53; col. 34, l. 10-18).

Tamai does not specify location of the IC tag on the motorcycle meter panel.

Vock et al teach an IC tag (RFID tag, par 280) housed in a case of a meter unit for mounting to a vehicle body (a movement monitoring device MMD (a speed sensor with RFID transponder) 408 mounted under a bicycle seat in fig. 21, MMD 542 mounted on the bicycle frame near the steering handle in fig. 41) or, integrated with vehicle electronic meters (accelerometer, speed sensor, tachometer) within a vehicle body (fig. 43, pars 312-313); the vehicle could be a motorcycle (par. 273); and the case is made from injection molded urethane plastic (par. 278-280).

Takashima teaches a transponder tag 58 embedded in a resin material and engaged in a mounting portion 64 near the handlebar of a watercraft motorcycle (col. 4, l. 7-65).

It would have been obvious an IC tag could be attached to any vehicle including motorcycle at any place of choice for best communication and protection of the tag.

In claim 5, Tamai discloses the tag is molded in resin (col. 17, l. 15-20).

In claim 6, Vock et al teaches the IC tag is embedded in a plastic case of a meter (accelerometer/speedometer) (paragraphs 213, 272-285).

In claims 20-21, **Tamai** discloses a management system using an IC tag equipped motorcycle (Life cycle management system, figures 4-5) (IC tag on motorcycle, col. 34, l. 2-18), comprising:

a host server 60, a terminal 30a-30e (mobile phone, portable terminal, management device) communicates with each other via a network (Internet 30) (fig. 5); and

a database 61 (fig. 5) (with a network of databases in management subsystems 20a-20d, fig. 4) connected to the host server 60 and managing tag information on an IC tag of each motorcycle by motorcycle ID (tag memory 216 with stored information in figs. 17-18);

the IC tag and the database are configured to be updated as needed in synchronization with each other;

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the database comprises a control part (in fig. 21, controlling unit 601 in the host computer 60 and controlling unit 403 in the management device 40) that operates the functions as claimed;

the terminal 30a-30e comprising devices for wireless reading the motorcycle ID (reader/writer), transmitting the ID and authorized access ID to the host server, receiving and updating information from and to the host server (figs. 11-14, 23-25);

the host server 60 comprising devices for verifying authorized access ID, searching database to extract selected tag information, transmitting information to the terminal, receiving tag information and updating tag information to the database (figs. 21-25);

the IC tag comprising a CPU, an antenna, a controller, a modem, a memory including write protected areas and rewritable areas (figs. 15-18; Construction of the Radio IC tag 80, Section 1.5, col. 17-col. 22; motorcycle, col. 34, l. 2).

the IC tag is integrated with an element formed of a resin material (**Tamai**, col. 17, l. 15-20) that may dispose behind a seat of the motorcycle (**Vock et al**, fig. 21).

Tamai discloses a plurality of management subsystem (20a-20e, fig. 4); each comprises a database subsystem for updating information. Each management subsystem has its own data controller for managing tag information. Although not specified, data updated from one subsystem is preferred to update as needed to other system for effective management.

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5. Claims 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tamai combine of claim 1** in view of **Rai** [US 6,222,463] (previously provided) or **Teraura** [US 6,873,259] (previously provided).

In claims 7-14, **Tamai** discloses memory unit 216 has an unprotected unit (rewritable) 301 and a protected unit 302. The unprotected unit comprising areas for storing activities regarding manufacturing stage, distribution stage, sale stage, service stage, collection/recycling stage (Figs. 17-18; col. 17, l. 49- col. 18, l. 46, col. 33, l. 19-col. 36, l. 18), therefore although not all claimed limitations are cited they would have been obvious and well known as taught by **Rai** and **Teraura**.

Rai teaches vehicle equipped electronic tag that stores vehicular records including registration, inspection, insurance and maintenance (col. 3, l. 63- col. 4, l. 30).

Teraura teaches using an ID tag attached to a product to store lifecycle data of the product including information related to the maker of the product, payment information, maintenance, recycle, etc. (Fig. 17).

Response to Arguments

6. Applicant's arguments filed November 17th, 2009 have been fully considered but they are not persuasive.

7. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to

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do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, **Tamai** teaches attaching an IC tag to a motorcycle under a logo or inside a product for not being noticeable (col. 34, l. 2-18; col. 31, l. 46-53); **Vock et al** teaches integrate the IC tag with vehicle electronics (which include speedometer, tachometer, etc.) inside a vehicle body (fig. 43, pars. 312-313) or, insert the IC tag in a meter box (MMD, accelerometer, speedometer) and attach the box to any place of choice in the vehicle (bicycle, motorcycle; figs. 21, 41, 43, par. 273) to protect the IC tag from being damage. Since both references teach attaching the IC tag to any type of vehicle including motorcycle for tracking purpose, the combination is proper. In addition, Tamai teaches attaching an IC tag to a product of manufacturing for lifecycle management. Rai teaches attaching electronic tag to vehicle for tracking and updating record for management purpose. Teraura teaches attaching an RFID tag to a product for life cycle management. The combination is proper.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory

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period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANNE V. LAI whose telephone number is (571)272-2974. The examiner can normally be reached on 9:00 am to 6:30 pm, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wu Daniel can be reached on 571-272-2964 or Davetta Goins at 571-272-2957. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/AVL/

/Davetta W. Goins/
Primary Examiner, Art Unit 2612